



Certificate of Public Convenience and
Necessity Application

Sussex County

Lands of R&K Partners



A Middlesex Water Company Affiliate

November 29, 2017

Mr. Kevin Neilson
Public Service Commission
861 Silver Lake Blvd.
Suite 100
Dover, DE 19904

Re: CPCN Application – Lands of R&K Partners

Dear Mr. Neilson;

Enclosed you will find the CPCN application for Lands of R&K Partners located in Sussex County, Delaware.

One original copy the application has been included. If I can be of further assistance upon your review, please do not hesitate to contact me at 302-747-1308.

Respectfully,

A handwritten signature in blue ink, appearing to read "J.C. Cuccinello", is written over a faint, larger version of the same signature.

Joseph C. Cuccinello
CPCN Coordinator
Tidewater Utilities, Inc.

cc: Mr. Grover P. Ingle, SFMO w/enclosures
Mr. Ed Hallock, DPH w/enclosures
Mr. John Brandt, DNREC w/enclosures
Mr. John Ashman, Sussex County w/enclosures

"Southern Delaware's Premier Water Company Since 1964"

Tidewater Utilities, Inc. 1100 South Little Creek Road, Dover, DE 19901 www.tuiwater.com
(800) 523-7224 (302) 734-7500 Tel. (302) 734-9297 Fax

**APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
REQUIRED TO BEGIN OR EXPAND THE BUSINESS
OF A PUBLIC WATER UTILITY**

BEFORE THE PUBLIC SERVICE COMMISSION

Application Fee \$300 for filing each extension to a CPCN
 \$750 for filing each original application for new water utility 26 Del. C. §114(a)

This form of application must be filed for each new and expanding water system pursuant to 26 Del. C. §203C.

WATER UTILITIES: Land of R&K Partners

1. Basis for application:

- ☐ a. Water in the proposed service area does not meet the Regulations Governing Public Drinking Water Systems of the State Board of Health for human consumption; {26 Del. C., §203C (d)(2)(a)}; or
- ☐ b. Water supply in the proposed service area is insufficient to meet the projected demand; 26 Del. C., §203C (d)(2)(b)}; or
- ☐ c. The applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government; {26 Del. C., §203C (e)(1)(a)}; or
- ☒ d. The applicant is in possession of a petition signed by all of the parcel owners of the proposed territory to be served; {26 Del. C., §203C (e)(1)(b)}; or **Exhibit A**
- ☐ e. The applicant is in possession of a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served; {26 Del. C., §203C (e)(1)(c)}.

2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate water service to customers and meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption {26 Del. C., §203C(a)}.

3. Tidewater Utilities, Inc. requests an informal fact finding procedure during review of application.

4. (a.) Full legal name and address of Applicant:
 Tidewater Utilities, Inc.
 1100 South Little Creek Road
 Dover, Delaware 19901
- (b.) Full name of the Utility's designated representative:
 Joseph C. Cuccinello
 Kirsten Higgins
- (c.) Phone no: 302-734-7500 X1014 or X1024
- (d.) Fax no: 302-734-9295
- (e.) Email address: jcuccinello@Tuiwater.com or khiggins@tuiwater.com

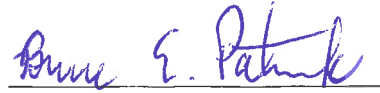
5. Supporting documentation required by 26 Del. C. §203C(e)(1), including evidence that all landowners of the proposed territory have been notified of application: **Exhibit B**

6. A complete list of county tax map parcel number(s) for the area covered by the application: **Exhibit C**

7. A complete list of county tax map parcel number(s) with corresponding names and addresses of property owners and a copy of the tax map(s) for the area: **Exhibit C**
8. The Applicant hereby certifies that the extension will satisfy the provisions of 26 Del. C. §403C, including:
 - (a.) The Applicant is currently furnishing water to its present customers in Delaware in such a fashion that water pressure at every house supplies is at least 25 psi at all times at the service connection.
 - (b.) The Applicant shall furnish water to the house or separate location of each new customer in the Delaware at a pressure of at least 25 psi at each location or house at all times at the connection while continuing also to supply each old customer at a pressure of at least 25 psi at each house at all times at the service connection.
 - (c.) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that we have materially failed to comply with applicable safe drinking water or water quality standards; and
 - (d.) The Applicant is currently not subject to any Order issued by the Commission finding that Tidewater Utilities, Inc. has materially failed to provide adequate or proper safe water services to existing customers.
9. Copies of petitions signed by landowners showing all of the parcel owners of the proposed territory to be served agree with the filing of a CPCN to permit Applicant to provide them with public water.
Exhibit A
10. Plan of service:
 - (a.) The application includes one (1) parcel located on northwest side of Route 9 in Sussex County, Delaware and identified by County Tax Parcel Numbers: 335-12.05-4.00.
 - (b.) This service territory will be served water via an off-site water main extension from Tidewater's existing 8-inch water main located on the property of the Villages of Five Points. Tidewater anticipates water service will be available within 30 days of receiving approval.
 - (c.) A map showing the location of the parcel is provided in **Exhibit C**.
11. (a.) A copy of the application must be sent to State Fire Marshall, Public Health Department, Department of Natural Resources and County Engineering/Utility.
 - 1.) The current status of such application is: **Sent**
 - (b.) The Applicant provides the following additional information with this application;
 - 1.) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers, **On PSC File**
 - 2.) A chart, which depicts the inter-company relationships, **On PSC File**
 - 3.) A map identifying all areas, including all towns, cities, counties and other governments subdivisions to which service is already provided, **On PSC File**
 - 4.) All copies of Applicant's annual reports to stockholders and that of its subsidiaries, and parent for the last two years, **On PSC File**

- 5.) Applicant's audited financial statements, 10K's and all proxy material for the last two years, **On PSC File**
- 6.) Any additional information required by PSC Staff will be made available on request.

Respectfully submitted,



Bruce Patrick
Vice President

Certification of Landowner Information Accuracy

By submitting this application, Tidewater Utilities, Inc. hereby certifies that we have reviewed the appropriate tax or land record documents; and that according to those documents, the landowners identified in the parcel lists are the landowners of record and that the petitions contained in this application have been signed by the landowners of record.



Joseph C. Cuccinello
CPCN Coordinator

PETITION FOR INCLUSION

Tidewater (TUI) – Water Petition

1-877-790-9272

www.tuiwater.com

PETITION FOR INCLUSION IN TIDEWATER UTILITIES, INC. WATER SERVICE TERRITORY

In accordance with 26 Delaware Code 203-C., I/we, the undersigned, as the recorded property owners according to current tax records for the following property/properties, request to be included in the water service territory of Tidewater Utilities, Inc. I/We understand that all of the property owners must sign this petition in order for Tidewater Utilities, Inc to apply for a Certificate of Public Convenience and Necessity (CPCN) in order to provide water service to the following property/properties

Tax Parcel Number(s): 335-12.05-4.00

Property Owner(s): Vinay Hosmane

Mailing Address: 49 Springbrooke Lane, Newark, DE 19711

Property Address: RT 18

Owner's Signature(s): ☒ 

Date: 9/26/17

Print Name: ☒ VINAY HOSMANE

Phone #: 302-292-3541 (0)

Owner's Signature(s): ☒ _____

Date: _____

Print Name: ☒ _____

Phone #: _____

Email Address: _____

I UNDERSTAND THAT BY SIGNING THIS PETITION MY PROPERTY MAY HAVE TO REMAIN IN TIDEWATER UTILITIES, INC. SERVICE TERRITORY PERMANENTLY. I ALSO UNDERSTAND THAT IT MAY AFFECT MY ABILITY TO OBTAIN A PERMIT FOR A NEW WELL. IF YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS, PLEASE CONTACT THE PUBLIC SERVICE COMMISSION AT (302) 736-7500 (in Delaware, call 800-282-8574).

P-17-0008
A-17-604

[Government](#)[Citizens](#)[Visitors](#)[Business](#)[Services](#)

Map Search

Sussex County, Delaware - Zoning and Sales Information

PROPERTY DETAILS

- [General Information](#)
- [Appraisal & Assessment Info](#)
- [Sales Info](#)
- [Map of Property](#)

General Information

District-Map-Parcel:

3-35 12.05 4.00

Owner(s) Names:

HOSMANE , VINAY

Property Legal Description:

RT 18

Billing Address:49 SPRINGBROOKE LANE
NEWARK , DE 19711**Land Use:**

Residential, Vacant Lot, No Improvement

Zoning:

Agricultural/Residential

Town/Municipality:

-No Town or Municipality Specified-

Fire District(s):

Lewes Fire District

Tax Ditch(es):

-No Ditch Records-

Sewer/Water District:

-No Sewer Records-

Watershed:

BROADKILL-SMYRNA



A Middlesex Water Company Affiliate

October 26, 2017

Certified Mail #7004 1160 0005 9457 8346

Vinay Hosmane
49 Springbrooke Lane
Newark, DE 19711

Dear Vinay Hosmane:

Tidewater Utilities Inc. (Tidewater) would like to thank you for the receipt of your signed petition requesting Tidewater to provide water service to your property, 335-12.05-4.00, located in Sussex County.

Tidewater will be submitting an application for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission (PSC) on or about November 27, 2017. Included with this letter is information that we are required to provide to all landowners within a proposed service territory prior to filing the application for a CPCN.

When the CPCN is granted, Tidewater will have the permission to provide public water service to your parcel. It is important for you, as the landowner, to know that when water service is made available to your parcel you are not obligated to connect to our water system as long as your current water supply is functioning properly. If you agree to have your property be part of this proposed service area, no action on your part is required at this time. If you do not agree to have your property be part of this proposed service area you will need to complete the enclosed opt out/object form and send it back to the address on top of the form.

If you have any questions in regards to this matter please feel free to contact me at 1-800-720-9272 ext. 1014 or 302-747-1308.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe Cuccinello", is written over a light gray circular stamp.

Joseph C. Cuccinello
CPCN Coordinator

YOU SHOULD READ THIS NOTICE CAREFULLY.

Public records list you as a landowner of the property with the following tax map parcel identification number(s): 335-12.05-4.00. Within thirty-five (35) days, Tidewater Utilities, Inc. (TUI) plans to file an application with the Delaware Public Service Commission requesting a Certificate of Public Convenience and Necessity (Certificate) to provide water service to a new territory described as Lands of R&K Partners.

TUI HAS INCLUDED YOUR PROPERTY IN THE TERRITORY IT INTENDS TO SERVE. TUI IS UNABLE TO ESTIMATE WHEN IT WILL PROVIDE WATER SERVICE TO YOUR PROPERTY OR LANDS OF R&K PARTNERS.

IF YOU DO NOT TAKE ANY ACTION NOW, YOU MAY LOSE YOUR CHOICE OF WHO CAN PROVIDE WATER SERVICE TO YOUR PROPERTY AND WHETHER YOU CAN OBTAIN A WELL PERMIT.

- 1) You may choose to be included in the utility's proposed service territory. If you signed a petition for water service asking to be included in the utility's proposed service territory, [or, if you did not sign a petition for water service but want to be included, you do not have to take any action.
- 2) You have the right to "opt-out" of the utility's proposed service territory. If you "opt-out", your property will not be included in the utility's service territory. You can do this even though others in Back Creek might desire water service from the utility. You should understand that being included in a utility's service territory does not mean that public water service will be immediately available to your property or that, when available; you will be required to hook-up to the public water system. However, if your property is included in the utility's water service territory, and later the water from the well providing your drinking water cannot be used, the Department of Natural Resources and Environmental Control might deny you a permit for a new well if public water is available to your property. On the other hand, if you elect to "opt-out" of the utility's service territory, but later change your mind and decide to connect to the utility's public water system, you could be charged additional fees.
- 3) You may object to the Public Service Commission granting a Certificate for Back Creek. For example, you may object that the water utility does not have the legal right to serve the territory. You should review the law about what a utility must provide in order to obtain a Certificate (contact the Public Service Commission to obtain a copy of the law). If you file such an objection, you will need to tell the Public Service Commission why the utility should not receive the Certificate. Please note that an objection will not remove your property from a proposed service territory. To remove your property from the service territory, you must request to "opt-out."

Attached to this letter is a form which allows you (and other owners of the property) to exercise your options. You have seventy-five (75) days from your receipt of this notice to file your objection with the Commission. Although you may exercise your right to "opt-out" of the utility's service territory at any time before the Certificate is granted, if you choose to opt-out, it is requested that you complete the form and return it to the Public Service Commission at the address listed below within seventy-five (75) days from the date you receive this notice:

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904

If you want to “opt-out” or object, you must send the completed form to the Public Service Commission, even if you already informed the utility of your intent to “opt-out” or object.

If you have any questions, comments or concerns, please contact the Public Service Commission at (302) 736-7500 (in Delaware, call 800-282-8574).

PROPERTY OWNER OPT-OUT/OBJECT FORM

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904

Dear Delaware Public Service Commission:

I/We are the recorded property owner(s), according to current tax records, for the following property/properties:

Tax Map Parcel Identification Number(s): 335-12.05-4.00

We received a notice from *Tidewater Utilities, Inc.* that it plans to file an application with the Delaware Public Service Commission for a Certificate of Public Convenience and Necessity (Certificate) to provide water service to a proposed service territory described by Tidewater Utilities, Inc. as Lands of R&K Partners (hereafter, "Proposed Service Territory").

_____ As permitted by applicable law, I hereby opt-out of *Tidewater Utilities, Inc.*'s proposed service territory. I understand that by opting out of the Proposed Service Territory, I may be charged additional fees if I later change my mind and choose to be included in the Proposed Service Territory and receive water service from *Tidewater Utilities, Inc.*

_____ I hereby object to the *Tidewater Utilities, Inc.*'s application for the Certificate of Public Convenience and Necessity. I understand that by objecting to the *Tidewater Utilities, Inc.*'s application I am not merely objecting to being included in the Proposed Service Territory (in which case, I may merely opt out as permitted by electing to opt out above), but rather am objecting to the Commission authorizing the *Tidewater Utilities, Inc.* to provide water service to *any territory* within the Proposed Service Territory, including, but not limited to, my own property. The basis of my objection is as follows:

Property Owner(s): *Property Owner Name* _____

Property Owner Address _____

Owner's Signature: _____ Date: _____



1100 South Little Creek Road
Dover, DE 19901
www.tuiwater.com

A Muddlex Water Company Affiliate



7004 1160 0005 9457 8346

Vinay Hosmane
49 Springbrooke Lane
Newark, DE 19711

Hasler

10/26/2017

US POSTAGE

FIRST-CLASS MAIL

\$06.77⁰



ZIP 19901
011D11637196

ENCLOSED IS IMPORTANT INFORMATION FROM THE PUBLIC SERVICE COMMISSION THAT AFFECTS
YOUR RIGHTS REGARDING WATER SERVICE

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 11.67
Certified Fee	3.35
Return Recipient Fee (Endorsement Required)	2.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 17.77

Postmark
Here

Sent To
Vinay Hosmane
Street, Apt. No., or PO Box No. 49 Springbrooke Lane
City, State, ZIP+4 Newark, DE 19711

PS Form 3800, June 2002 (See Reverse for Instructions)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Vinay Hosmane
49 Springbrooke Lane
Newark, DE 19711

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7004 1160 0005 9457 8346

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

USPS Tracking® Results

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Remove X

Tracking Number: 70041160000594578346

Delivered

Product & Tracking Information

See Available Actions

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
October 30, 2017, 12:25 pm	Delivered, Left with Individual	NEWARK, DE 19711
Your item was delivered to an individual at the address at 12:25 pm on October 30, 2017 in NEWARK, DE 19711.		
October 28, 2017, 1:55 pm	Notice Left (No Authorized Recipient Available)	NEWARK, DE 19711
October 28, 2017, 5:55 am	Arrived at Unit	NEWARK, DE 19711
October 27, 2017, 7:15 pm	Departed USPS Regional Facility	WILMINGTON DE DISTRIBUTION CENTER

See More V

Available Actions

Text & Email Updates

7004 1160 0005 9457 8346

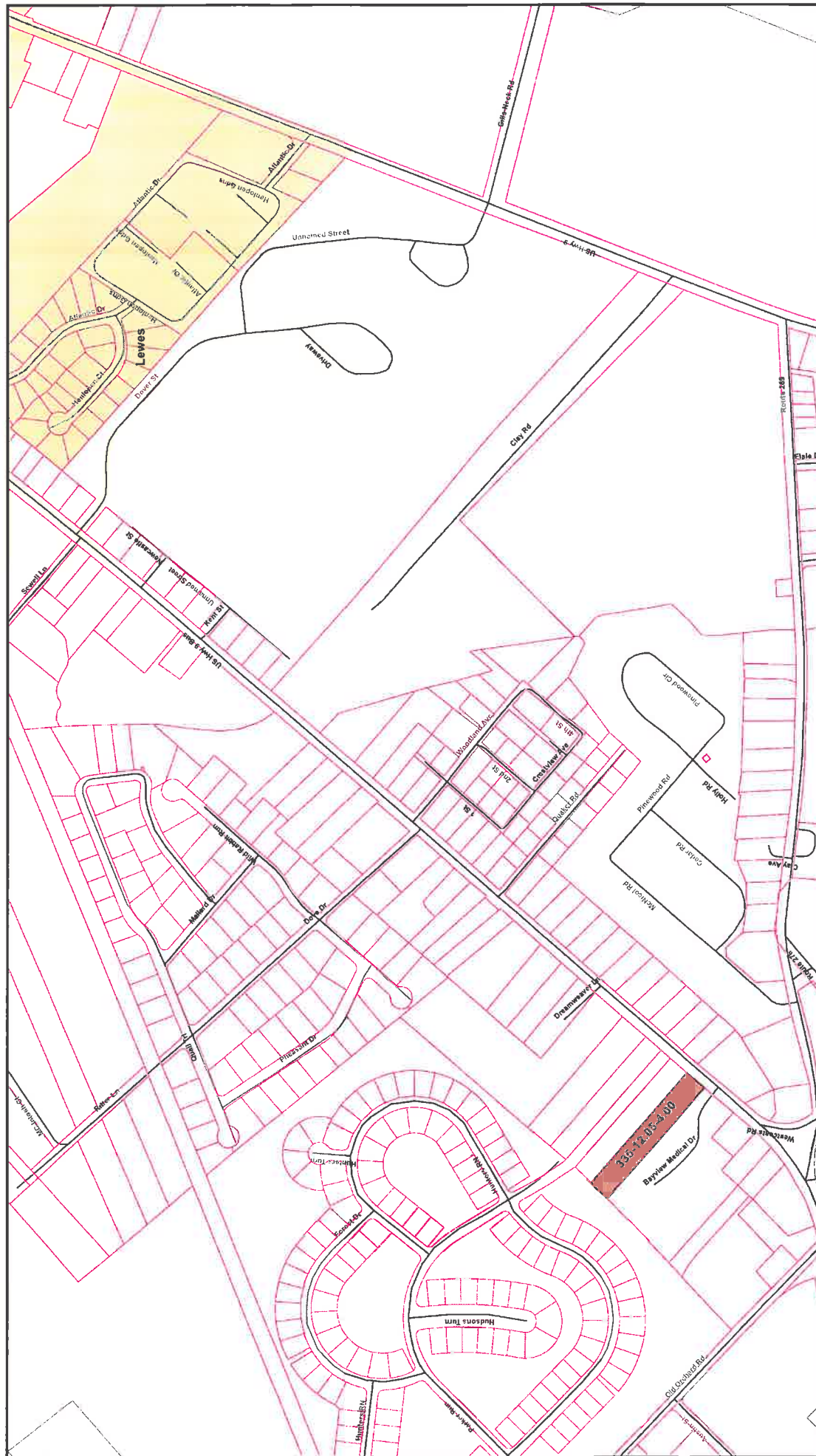
U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 1.67
Certified Fee	3.35
Return Receipt Fee (Endorsement Required)	2.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.77
Sent To: <u>Wray Hosmane</u> Street, Apt. No., or PO Box No. <u>49 Springbrook Lane</u> City, State, ZIP+4 <u>Newark, DE 19711</u>	
PS Form 3800, June 2002 See Reverse for Instructions	

Postmark Here
OCT 26 2017
LITTLE CREEK 19961

Exhibit C

<u>Proposed Service Area</u>	<u>Tax Map Parcel Numbers</u>	<u>Acres</u>	<u>Owners</u>
Service Area 1	335-12.05-4.00	1.55	Vinay Hosmane 49 Springbrooke Lane Newark, DE 19711

- Parcel 335-12.05-4.00 is an individual parcel located on northwest side of Route 9 in Sussex County, Delaware



TIDE WATER
UTILITIES, INC.

A Middlesex Water Company Affiliate

CPCN APPLICATION MAP
Lands of R&K Partners
Sussex County, DE

A-17-004
1 inch = 400 feet
Map1

The Landbase information shown herein has been compiled from available data from the State of Delaware, New Castle, Kent, or Sussex County. The actual boundaries of features can only be determined by an appropriate survey.

PRINT DATE : 10-30-2017
DATE OF COMPILATION, 10-30-2017
SHEET LAYOUT BASED ON THE DELAWARE
STATE PLANE COORDINATE SYSTEM